

**ALLEGED SHIPMENT:** On or about December 16, 1948, by the Opelousas Oil Refinery, from Opelousas, La.

**PRODUCT:** 246 cases, each containing 6 1-gallon cans, and 334 cases, each containing 1 5-gallon can, of peanut oil at San Francisco, Calif.

**LABEL, IN PART:** (Cases) "6 1-Gal. Cans Color Added 350" and "1 5-Gal. Can Color Added 349"; (cans) "Perfecto Choice Peanut Cooking Oil."

**NATURE OF CHARGE:** Misbranding, Section 403 (f), the article contained artificial color, and the declaration of its presence was not prominently placed so as to make it likely to be read and understood by the ordinary individual under customary conditions of purchase and use since the individual cans did not bear the declaration of artificial color.

**DISPOSITION:** December 13, 1949. The Royal Trading Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The words "Artificial Coloring Added" were stamped on each can.

### **VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE**

**15646. Misbranding of wheat germ. U. S. v. Kretschmer Corp. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 25615. Sample Nos. 41642-K, 43047-K, 43048-K.)**

**INFORMATION FILED:** March 15, 1949, Eastern District of Michigan, against the Kretschmer Corp., Carrollton, Mich.

**ALLEGED SHIPMENT:** On or about March 23 and April 1 and 6, 1948, from the State of Michigan into the State of Wisconsin. Accompanying the product was a circular entitled "Wheat Germ."

**LABEL, IN PART:** "Kretschmer's Wheat Germ \* \* \* One ounce\* of Kretschmer's Toasted Wheat Germ equals All of the following: 4 oz. oatmeal (in B<sub>1</sub>, for body tone) 1½ ozs. lean beef (in protein, for muscle building) 3 Graham crackers (in calories, for energy) 4.6 ozs. raisins (in iron, for blood building) In addition, Kretschmer's Toasted Wheat Germ is a rich natural source of vitamin E, and contains helpful amounts of B-complex, A, and G vitamins, calcium and phosphorus. Non-Fattening Easily Digested \*1 ounce equals 2 heaping Tablespoonfuls."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), certain statements in the labeling were false and misleading. These statements represented and suggested that the product was not fattening; that the diets of individuals in this country are generally deficient in vitamin B<sub>1</sub>; that the product would be efficacious in the prevention and treatment of loss of appetite, muscular weakness, low body temperature, and other serious physical and nervous disorders; that the use of the product would insure normal health and would promote regular bowel activity; and that one ounce of the product was equal in food value to the total food value of 4 ounces of oatmeal, 1½ ounces of lean beef, 3 graham crackers, and 4.6 ounces of raisins. The product was fattening; the diets of individuals in this country are not generally deficient in vitamin B<sub>1</sub>; the product was not capable of fulfilling the promises of benefits stated

and implied; and one ounce was not equal in food value to the total value of the foods listed.

Further misbranding, Section 403 (j), the product purported to be, and was represented, for special dietary uses by man by reason of its vitamin properties in respect to vitamin A, vitamin G, and vitamin E, and by reason of its mineral properties in respect to calcium, iron and phosphorus; and its label did not bear as required by the regulations a statement of the proportion of the minimum daily requirement for vitamin A and vitamin G which would be supplied by the product when consumed in a specified quantity during a period of one day; the label did not bear a statement of the quantity of vitamin E in a specified quantity of the article; the label failed to bear a statement that the need in human nutrition for vitamin E has not been established; and it failed to bear a statement of the proportion of the minimum daily requirement for calcium, iron, and phosphorus which would be supplied by the product when consumed in a specified quantity during a period of one day.

**DISPOSITION:** June 24, 1949. A plea of nolo contendere having been entered, the defendant was fined \$300.

**15647. Adulteration and misbranding of vitamin and mineral tablets and vitamin A and D tablets. U. S. v. 1 Drum, etc. (and 1 other seizure action).**  
(F. D. C. Nos. 26009, 26087. Sample Nos. 22975-K, 22976-K, 22980-K, 23881-K to 23883-K, incl.)

**LIBELS FILED:** November 22 and 24, 1948, Northern District of Alabama.

**ALLEGED SHIPMENT:** Between the approximate dates of March 16 and August 16, 1945, from St. Louis, Mo.

**PRODUCT:** 24 drums containing approximately 589,020 vitamin and mineral tablets and 1 drum containing approximately 53,425 vitamin A and D tablets at Birmingham, Ala.

**LABEL, IN PART:** "Sugar Coated White Vitamin and Mineral Tablets. Three tablets a day contain: Vitamin A 5000 U. S. P. Units \* \* \* Vitamin B<sub>1</sub> \* \* \* 333 U. S. P. Units 1 mg \* \* \* Vitamin C \* \* \* 600 U. S. P. Units 50 mg." and "Sugar Coated Yellow Vitamin A and D Tablets. Each tablet contains: Vitamin A \* \* \* 4000 U. S. P. Units Vitamin D \* \* \* 400 U. S. P. Units."

**NATURE OF CHARGE:** Vitamin and mineral tablets. Adulteration, Section 402 (b) (1), valuable constituents, vitamins A and B<sub>1</sub> and (94,590 tablets only) vitamin C, had been in part abstracted from the product.

Misbranding, Section 403 (a), the label statements "Three tablets a day contain: Vitamin A \* \* \* 5000 U. S. P. Units \* \* \* Vitamin B<sub>1</sub> \* \* \* 333 U. S. P. Units 1 mg. \* \* \* Vitamin C \* \* \* 600 U. S. P. Units 50 mg." were false and misleading since the product contained less than the stated amounts of vitamins A and B<sub>1</sub>, and a portion of the product, in addition contained less than the stated amount of vitamin C.

Vitamin A and D tablets. Adulteration, Section 402 (b) (1), valuable constituents, vitamins A and D, had been in part abstracted from the product. Misbranding, Section 403 (a), the label statements "Each tablet contains: Vitamin A \* \* \* 4000 U. S. P. Units Vitamin D \* \* \* 400 U. S. P. Units" were false and misleading since the product contained less than the stated amounts of vitamins A and D.

The products were adulterated and misbranded while held for sale after shipment in interstate commerce.